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July 8, 2004

VIA HAND DELIVERY

Honorable Richard Collier
General Counsel
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

**RE: *Tennessee Coalition of Rural Incumbent Telephone Companies and
Cooperatives Request for Suspension of Wireless to Wireless Number
Portability Obligations Pursuant to Section 251(f)(2) of the
Communications Act of 1994, As Amended
TRA Docket No. 03-00633***

Dear Hearing Officer Collier:

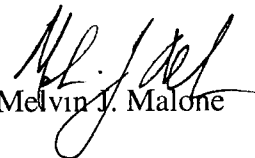
Enclosed please find thirteen (13) copies of the following for filing in the above-captioned matter. (1) *In the Matter of Numbering Resource Optimization National Thousands-Block Number Pooling Rollout Schedule, Comments of the Tennessee Regulatory Authority*, FCC CC Docket No. 99-200 (FCC Nov. 6, 2001); (2) *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Petitions for Delegated Authority Tennessee, Tennessee Regulatory Authority's Reply Comments*, FCC CC Docket No. 99-200, CC Docket No. 96-98, NSD File No. L-01-277 (FCC Feb. 28, 2001), (3) *In the Matter of Verizon Wireless' Petition Pursuant to 47 U.S.C. § 160 for Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation, Comments of the State Coordination Group*, FCC WT Docket No. 01-184, CC Docket No. 99-200 (FCC Feb. 2001); and (4) *In the Matter of The Tennessee Regulatory Authority Petition for Additional Delegated Authority to Implement Numbering Conservation Measures, Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Numbering Conservation Measures* (FCC Nov. 16, 1999).

As with similar previous submissions by Verizon Wireless, these documents are being filed consistent with the directions of the Hearing Officer and/or Tenn. Code Ann. § 4-5-313

Honorable Richard Collier
General Counsel
c/o Sharla Dillon, Docket & Records Manager
July 8, 2004
Page 2

Also enclosed is an additional copy to be "File Stamped" for our records. If you have any questions or require additional information, please let me know.

Very truly yours,


Melvin J. Malone

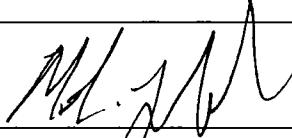
MJM:cgb
Enclosure

cc: Stephen G. Kraskin, Esq.
Timothy C. Phillips, Esq.
R. Dale Grimes, Esq.
Edward Phillips, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2004, a true and correct copy of the foregoing has been served on the parties of record, via the method indicated:

<input type="checkbox"/> Hand <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input type="checkbox"/> Electronically	Stephen G. Kraskin Thomas Moorman, Esq. Kraskin, Lesse & Cosson, LLP 2120 L Street NW, Suite 520 Washington, D.C. 20037
<input checked="" type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight	R. Dale Grimes, Esq. Tara L. Swafford, Esq Bass Berry & Sims PLC AmSouth Center 315 Deaderick Street, Suite 2700 Nashville, Tennessee 37238-3001
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Melvin J. Malone
J Barclay Phillips
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¹ DA 01-656, dated March 14, 2001, and DA 00-1616, dated July 20, 2000, respectively

Additionally, the FCC should address the NPAs where interim pooling authority has been granted to states, but for unforeseen technical difficulties have not been able to implement thousands-block pooling. The TRA recommends that the FCC direct its National Pooling Administrator to give this small number of NPAs priority in the national rollout schedule.

Background and Discussion

One good example of why states need the flexibility to alter the national thousands-block pooling schedule is our experience with interim thousand-block pooling. The TRA has continued to take several steps to further area code conservation measures in Tennessee. Among those steps was the appointment of a Number Conservation Task Force ("Task Force") made up of representatives from the wireline and wireless industries along with representation from the TRA Staff.² On December 27, 1999, the Task Force issued its industry consensus report (Attachment A) to the TRA and made the following recommendation on implementation of pooling:

.. [T]he TRA deferred implementing an area code relief plan for 615 due to reclamation of unused NXX codes and an overall decrease in the demand for codes. Based upon this decision and the analysis of all known Number Conservation Measures being implemented and/or evaluated across the nation, the Tennessee Number Conservation Task Force recommends Thousand Block Pooling, Thousand Block Management, and All Services Overlay as the most effective means for conservation of numbering resources in Tennessee.³

and,

...[I]t is recommended that Release 3.0, the national standard, be used for any implementation of number pooling in the State of Tennessee. Release 1.4 is not recommended because of the near term availability of Release 3.0 and the unnecessary costs that would be borne by Tennessee consumers for implementation of both releases.⁴

On June 14, 1999, the TRA was notified by the North American Numbering Plan Administration ("NANPA") that area code relief was necessary for the 615 NPA in Tennessee. On July 27, 1999, the planning for relief of the 615 NPA by either a geographic split or an all services overlay began with notification of the industry's recommendations. The decision on the method of area code relief for the 615 NPA was deferred on December 7, 1999, after the NANPA notified the TRA that reclamation activities and a decrease in central office code demands had extended the life of the 615 NPA until the first quarter of 2003.⁵

² The Authority commissioned the Tennessee Telecommunications Association ("TTA") to form the Task Force on February 2, 1999, for the purpose of researching options and measures that may be taken for numbering resource conservation

³ Report and Recommendations of the Number Conservation Task Force To The Tennessee Regulatory Authority Regarding Number Conservation Measures For The State Of Tennessee, p. 32 (December 27, 1999)

⁴ *Id.* at p. 33

⁵ NeuStar (NANPA) letter, dated December 2, 1999, Subject: Relief of the Tennessee 615 area code

On November 16, 1999, the TRA petitioned the FCC for additional delegated authority to implement numbering conservation measures. This petition requested the delegated authority to implement five (5) specific numbering conservation measures as listed below:

1. Enforcement of current numbering allocation standards and establishment and enforcement of new standards;
2. Setting fill rates and requiring utilization surveys;
3. Reclamation of unused and reserved NXX codes and portions of those codes;
4. Ordering of number utilization and forecasting reporting and audit such reporting; and
5. Implementation of mandatory thousands-block number pooling

In January 2000, the NANPA again notified the TRA that relief planning was necessary. This notification was to provide for relief of the 901 NPA in Tennessee and the planning for the requisite relief strategy decision commenced. On March 16, 2000, the NANPA code administrator declared the 901 NPA to be in jeopardy due to an unforeseen increase in the demand for central office codes. As a result, jeopardy procedures were initiated for the 901 NPA.

On March 31, 2000, the FCC released its much anticipated *Report and Order and Further Notice of Proposed Rule Making*, Docket No. 99-200, FCC 00-104 (hereafter referred to as the Order) on Numbering Resource Optimization. Among the actions taken by the FCC in this Order was the additional requirement cited in Paragraph 170 that States with pending petitions for delegated authority demonstrate: "1) that an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year and 3) that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of the wireline carriers in the NPA are Local Number Portability ("LNP") capable." The TRA submitted the required supplemental information to the FCC on April 24, 2000, demonstrating that the 901 NPA met all requirements for additional delegated authority to implement numbering conservation measures.

On July 14, 2000, the NANPA informed the TRA that the 615 NPA had been declared to be in jeopardy due to the demand for central office codes increasing significantly beyond the normal forecast. The FCC granted the TRA's November 16, 2000, petition for delegated authority allowing Tennessee to implement thousands-block number pooling in the 901 NPA on July 20, 2000, with the release of DA 00-1616. Shortly thereafter, the TRA filed the required supplemental information with the FCC to begin thousands-block pooling in the 615 NPA.

Based upon the belief that the FCC would approve its petition for the 615 NPA, and in an effort to improve number efficiency within the jeopardy-declared 615 NPA, the Authority began the necessary work to implement interim pooling in the 901 and 615 NPAs and issued its Pooling Order on December 12, 2000. (Attachment B)

The TRA's Order provided for the selection of a Pooling Administrator, specified the method to be used for pooling, and set the implementation dates. The specified method was selected based on the industry's recommendation as set forth in the Tennessee Numbering Conservation Task Force's report. That report demonstrated the industry's overwhelming support for implementing pooling using release 3.0 and the FCC's established national standard of utilization of methods

that used Efficient Data Representation ("EDR") specified in paragraph 177. Although, in its Order the FCC did not endorse release 3.0, it did establish that TIS1.6 Technical Requirements would be the technical standard for a National one thousands-block number pooling mechanism. Taking into account this technical capability, and the addition of preventing extra costs to the consumer in eliminating a conversion from 1.4 to 3.0, the Authority ordered that pooling would be implemented using release 3.0. Considering the proposed release date of 3 0, the Authority set March 1, 2001, or the availability of release 3.0, whichever is later, as the date for pooling implementation in the 615 NPA.

On March 1, 2001, the implementation of pooling had to be delayed in the 615 NPA due to unforeseen delays in the release of 3.0, caused by technical problems which are well known by the FCC and will not be discussed here. The release of 3.0 has still not occurred due to these problems and the pooling trial in the 615 NPA continues to be delayed.

National Thousands-Block Number Pooling Rollout Schedule

The National Thousands-Block Number Pooling Schedule has two (2) deficiencies. First, as stated earlier, no consideration is given to NPAs where interim pooling authority was granted to states but not implemented due to circumstances beyond the control of states. Second, states are not granted the flexibility to switch pooling in NPAs within the state when special circumstances, as mentioned above, occur. A national schedule without such flexibility unduly ties the hands of the states from being able to adjust to special circumstances.

The first deficiency should be addressed by the FCC directing the National Pooling Administrator to work with those states that have been granted interim pooling authority to determine whether all the interim pooling trials have been completed. If there are any pooling trials that have been delayed, the National Pooling Administrator should be directed to work with those states to prioritize the yet to be completed pooling trials. These NPAs should be prioritized in the national rollout schedule because they have been determined by the FCC to be uniquely qualified for thousands-block pooling. This action will better ensure that pooling will occur where it is most needed. It will also ensure that no NPA, especially those in jeopardy, is ignored in the national rollout schedule.

The second deficiency is the need for the continuation of the partnership between the states and the federal government on number conservation. The example of Tennessee's interim pooling effort points out that problems inevitably occur and flexibility is needed to address new situations.

Conclusion

The Tennessee Regulatory Authority has been very active in pursuing numbering resource conservation. The unforeseen delay in implementing the one thousands-block pooling in the 615 and 901 NPAs has been caused by the unavailability of release 3.0 and the national pooling standard of Efficient Data Representation for one thousand-block pooling. The National Pooling Administrator has stated to the TRA staff that one thousands-block pooling will begin, according

to the rollout schedule, without EDR and by utilizing release 1.4 if the 3 1 release has not been implemented.⁶

The 615 and 901 NPAs are ready for thousands-block pooling. All steps outlined in the Industry Numbering Committee One-Thousand Block Pooling Guidelines have been taken in both the 615 and the 901 NPA to implement pooling, with the exception of the industry block donations, which can be quickly accomplished after verification of the posted utilization forecast. If pooling is not implemented in a timely manner, the 615 NPA may exhaust and area code relief will have to be implemented unnecessarily. The time is also ripe for pooling in the 901 NPA. The TRA has recently ordered area code relief for the 901 NPA and the benefits of thousands-block pooling can best be achieved in newly relieved NPAs. For these reasons, the TRA respectfully requests that the 615 and 901 NPAs be prioritized by the National Pooling Administrator and be added to the pooling schedule for the first quarter of 2002.

A jeopardy situation still exists in Tennessee's 615 area code which may adversely affect competing carriers and their ability to obtain needed numbering resources at a time when they need such resources to compete in the telecommunications marketplace. If the above request cannot be granted by the FCC, it is requested that the rollout schedule for the 865 NPA be substituted with the 615 NPA and that pooling begin in the 615 NPA, Nashville MSA in the second quarter of the rollout schedule. By substituting the 865 NPA with 615 NPA, the exhaust of the 615 NPA could likely be delayed several years and conserve an already depleting numbering resource by preventing the need for area code relief. This action would resolve the present situation in the 615 NPA quicker than any other action available. The 865 and 901 NPAs should be placed on the next available opening on the national schedule.

Thank you for your favorable consideration of these filed comments to the Thousands-Block Number Pooling Rollout Schedule, CC Docket No. 99-200.

Respectfully Submitted,

K. David Waddell
Executive Secretary
Tennessee Regulatory Authority

November 6, 2001

⁶ On October 16, 2001, the Local Number Portability Working Group reported that the current implementation date for release 3 1, or "patch" as it is being called, which is supposed to correct the problems that are occurring with 3 0 is not likely until the second quarter of 2002 for Region 4, which contains Tennessee. By the time 3 1 is implemented, even if it is correction for the problems with 3 0, the National Rollout for pooling will have started and pooling trials cannot be implemented by the individuals states.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the)	
Local Competition)	CC Docket No. 96-98
Provisions of the)	
Telecommunications Act of 1996)	
)	
Petitions for Delegated Authority)	
Tennessee)	NSD File No. L-01-277
)	
)	

TENNESSEE REGULATORY AUTHORITY'S REPLY COMMENTS

On February 15, 2001, the Tennessee Regulatory Authority (the "TRA" or "Authority") received a copy of Comments filed by Sprint Corporation ("Sprint") with the Federal Communications Commission (the "Commission" or "FCC") in response to the petitions of certain states seeking delegated authority to either implement number conservation measures or expand existing delegated authority in additional area codes. In its Comments, Sprint voices objections to the requests of five (5) states, specifically launching an attack on the TRA's petition to the Commission for authority to implement interim 1K pooling in the 615 area code. The TRA hereby files its Reply and respectfully requests the Commission to reject Sprint's attempt to impede number conservation measures in Tennessee and to act expeditiously in approving the TRA's petition for an interim pooling trial in the 615 NPA.

Background

Tennessee, like other states, has dealt repeatedly with telephone numbering issues. Since 1996 Tennessee has had to implement three (3) new area codes. The constant addition of new area codes is not only confusing but also costly to consumers as well as to the telecommunications industry.

In recognition of the telephone numbering problems in Tennessee, the TRA has taken specific action designed to implement long-term solutions for area code relief. Throughout this process, the TRA has solicited and obtained the assistance of the telecommunications industry and the public. The prime cause of the need for new area codes is the under-utilization of telephone numbers assigned to telecommunications service providers. While the TRA has not in every instance accepted the Industry's recommendation on the method of area code relief, the TRA has faithfully fulfilled its obligation to ensure that numbering resources are available to telecommunications service providers and has acted in a timely manner in approving area code relief. The TRA has taken steps to delay the depletion of the 615 area code and therefore has temporarily deferred a relief decision for the 615 area code due to the numbers remaining until exhaust. Nevertheless, the continuous depletion of numbering resources demonstrates the need to find a solution to the numbering problems, other than merely adding new area codes.

The TRA has made every effort to obtain the Industry's input on numbering issues. On February 1, 1999, the Authority commissioned the Tennessee Telecommunications Association ("TTA") to form a Number Conservation Task Force ("Task Force") to research options and make recommendations relative to measures that may be taken for numbering resource conservation.¹ The Task Force's findings were delivered to the TRA on December 30, 1999 and

¹ The Task Force is composed of both wireline and wireless carriers and Authority Staff. The National Regulatory Research Institute ("NRRI") assisted the Task Force with a number utilization study.

included the recommendation that number pooling be implemented in Tennessee when the 3.0 version of pooling software is released by NeuStar.² Sprint was a member of this Task Force and, at that time, advocated that the TRA implement 1K block number pooling.

Prior to the issuance of the Task Force's Report, the Directors of the TRA unanimously resolved, on October 12, 1999, to petition the Commission for authority to implement number conservation measures, including, but not limited to, thousands-block pooling and NXX code reclamation. In conjunction with this action, on October 15, 1999, the TRA issued a Request to all affected and relevant Tennessee telecommunications service providers, including cooperatives, to consider taking voluntary measures toward area code conservation, including, but not limited to, voluntarily reviewing their numbering inventories and voluntarily returning non-utilized or otherwise dormant NXX codes to the North American Numbering Plan Administrator ("NANPA").³

Later, at an Authority Conference held on December 7, 1999, the Directors of the TRA voted unanimously to request NANPA to conduct a meeting of all telecommunications service providers in Tennessee for the purpose of developing an industry voluntary allocation plan for NXX code assignment in the 615 and 901 area codes.⁴ The objective of the voluntary plan would be to extend the life of both the 615 and 901 area codes until the fourth quarter of 2003 by ensuring a steady and consistent allocation of NXX codes per month within the two area codes. The Directors further requested NANPA to report to the TRA the developments concerning the industry voluntary allocation plan. At the Authority Conference held on February 1, 2000,

² *Report and Recommendations of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, p. 21

³ *Request to All Affected Telecommunications Service Providers and Cooperatives in Tennessee to Take Voluntary Area Code Conservation Measures*, issued on October 15, 1999 in TRA Docket No. 99-00784

⁴ *Request to North American Numbering Plan Administrator to Develop an Industry Voluntary Allocation Plan and to Provide Periodic Reports to the Tennessee Regulatory Authority on NXX Code Requests*, TRA Docket No. 99-00784, December 10, 1999

NANPA reported to the TRA that the telecommunications industry could not reach an agreement to institute a voluntary NXX code allocation plan.

Notwithstanding the TRA's actions to improve utilization of the State's numbering resources, two of Tennessee's area codes, 901 and 615, were declared to be in jeopardy by NANPA. On March 15, 2000, NANPA informed the TRA that it had declared the 901 area code in jeopardy. On July 14, 2000, the TRA was advised by NANPA that it had declared the 615 area code in jeopardy. To address the jeopardy status in the most critical area code, the TRA acted on August 15, 2000, after a series of public hearings, to relieve the 901 area code by geographically splitting the existing area code and assigning a portion to the newly created 731 area code.

The TRA's Petition Requesting Delegated Authority from the Commission

On November 16, 1999, the TRA filed a petition with the Commission seeking additional delegated authority to implement numbering conservation measures. The TRA's petition made specific reference to both the 901 and 615 NPAs which at that time were near exhaust.⁵ Specifically, the TRA requested that the Commission delegate authority to the TRA to: enforce current and new numbering allocation standards; maximize the efficiency of number use practices within NXX codes by setting fill rates and by requiring utilization surveys; reclaim unused and reserved NXX codes and portions of those codes; order number utilization and forecast reporting and audit such reporting; and implement mandatory thousands-block number pooling.⁶ In addition to the conservation measures requested in its petition, the TRA is currently investigating Rate Center Consolidation. In continuing to address long term solutions to the

⁵ *Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Numbering Conservation Measures*, FCC NSD File No L-99-94 (November 16, 1999), pp 2-3

telephone numbering problems through conservation measures, the Authority has now become actively involved with NANPA for NXX Reclamation as authorized by the FCC's Order.⁷

On March 31, 2000, the Commission issued its *Numbering Resource Optimization, Report and Order and Further Notice Of Proposed Rule Making* (CC Docket No 99-200, FCC 00-104) (March 31, 2000) (hereinafter referred to as the '*Numbering Resource Optimization Order*') The Commission's *Numbering Resource Optimization Order* set forth three requirements that states must satisfy before the Commission would consider their petitions for delegated authority to implement number conservation measures. The Commission stated in that Order:

Each petition must demonstrate that: 1) that an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) that NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.⁸

As to those petitions for delegated authority on file with the Commission, the Order provided as follows.

To the extent that the pending state petitions do not demonstrate that the state possesses the criteria we require for future delegations of pooling authority, the state commission must supplement its existing filing with the Common Carrier Bureau within 30 days of release of this *Report and Order*.⁹

On March 17, 2000 NANPA declared the 901 area code in jeopardy. On April 24, 2000, the TRA supplemented its Petition by providing information which demonstrated that the 901 NPA satisfied all of the criteria set forth in the Commission's March 31, 2000 *Numbering Resource Optimization Order*

⁶ *Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Numbering Conservation Measures*, FCC NSD File No L-99-94 (November 16, 1999)

⁷ Report and Order and Further Notice of Proposed Rule Making, FCC 00-104, In the Matter of Number Resource Optimization, CC Docket No 99-200, March 31, 2000, Para 237 ("*Numbering Resource Optimization Order*")

⁸ *Numbering Resource Optimization Order*, Para 170

⁹ *Numbering Resource Optimization Order*, Para 170

On July 14, 2000 NANPA informed the TRA that it had declared the 615 area code in jeopardy. On July 20, 2000, the Commission released *FCC Order DA 00-1616*, granting delegated authority to state regulatory commissions (hereinafter referred to as the "*Order Delegating Authority*"). On August 10, 2000, the TRA supplemented its petition for authority for the 615 area code. Because the Commission had issued its *Delegated Authority Order* in the interim, the TRA requested that the 615 NPA be added to the July 20, 2000 delegated authority for number pooling in the 901 area code. The TRA's request was specifically based on the 615 area code having met the demonstrated requirements established by the Commission's *Numbering Resource Optimization Order*. The TRA's August 10, 2000 filing stated the following:

By this letter the Tennessee Regulatory Authority is filing additional supplemental information to its Petition for Delegated Authority, as required by the Order, for the NPA 615 to demonstrate that this Tennessee NPA also meets the three required conditions. The demonstrations required by the Order are listed below:

1. Tennessee must demonstrate that an NPA within the state is in jeopardy.

On July 14, 2000, NeuStar (the North American Numbering Plan Administrator ("NANPA")) informed the industry and the Tennessee Regulatory Authority that NPA 615 was in jeopardy (Exhibit A), and implemented interim jeopardy procedures on July 16, 2000. It was determined on August 10, 2000, that final jeopardy procedures would be implemented on September 1, 2000.

2. Tennessee must demonstrate that the NPA in question has a remaining life span of at least a year.

As reported by NANPA in [its] 2000 Central Office Code Utilization Survey ("COCUS") and NPA Exhaust Analysis, May 23, 2000 Update (Exhibit B), Tennessee's NPA 615 has a projected exhaust date of the second quarter of 2002 (2002 2Q). When final jeopardy procedures are put into effect on September 1, 2000, NPA 615 will have a new projected exhaust for the first quarter 2002 (2002 1Q).

3. Tennessee must demonstrate that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wire line carriers in the NPA are LNP capable.

The Nashville calling area is within the NPA 615. As listed in FCC 96-286, CC-Docket No. 95-116, July 2, 1996, Appendix D, Nashville, Tennessee is listed as number 51 of the top 100 Metropolitan Statistical Areas ("MSAs") (Exhibit C).

The above information demonstrates that Tennessee's NPA 615 meets the three requirements as set forth by the Federal Communications Commission in its Report and Order and Notice of Further Rule Making for Numbering Resource Optimization (Docket FCC 00-104 CC 99-200).

The Tennessee Regulatory Authority therefore respectfully requests expeditious consideration and approval for the addition of Tennessee's 615 to its FCC's July 20, 2000, approved Petition for Delegated Authority and be authorized to implement number conservation measures, specifically thousand-block pooling, in that NPA.¹⁰

In its *Delegated Authority Order*, the Commission granted, in part, Tennessee's Petition for Additional Delegated Authority, specifically approving the TRA's request to implement thousands-block pooling.¹¹ In delegating authority to implement 1K pooling trials to a number of states, including Tennessee, the FCC recognized:

Numbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions.¹²

The Commission noted further,

Although we are giving the state commissions tools that may help to prolong the lives of existing area codes, the state commissions continue to bear the obligation of implementing area code relief when necessary, and we expect the state commissions to fulfill this obligation in a timely manner¹³

¹⁰ TRA letter dated August 10, 2000, *Supplemental Information to the Matter of the Tennessee Regulatory Authority Petition for Additional Delegated Authority to Implement Numbering Conservation Measures* (CC Docket No. 99-200), pp. 2-3

¹¹ Order, FCC, DA 00-1616, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, July 20, 2000, Para. 47 ("Delegated Authority Order")

¹² *Delegated Authority Order*, July 20, 2000, Para. 10

¹³ *Delegated Authority Order*, July 20, 2000, Para. 11

In its *Delegated Authority Order*, the Commission states further that it did not rule on a number of aspects of the states' petitions, including Tennessee's petition, because "the *Numbering Resource Optimization Order* has already addressed these specific numbering resource optimization measures"¹⁴ The measures referred to in the *Numbering Resource Optimization Order* include. reclamation of unused or reserved NXX codes, industry reporting requirements and utilization forecasting, sequential number assignments, facilities readiness, and fill rates The *Numbering Resource Optimization Order* establishes that 1K Pooling be accomplished in accordance with the Industry Numbering Committee ("INC") Guidelines,¹⁵ and that unused 1000 blocks, as well as 1000 blocks with less than ten percent (10%) contamination, be donated by pooling carriers to the number pooling administrator.¹⁶ In addition, the *Numbering Resource Optimization Order* calls for Sequential Number Assignment by carriers unless the carrier can demonstrate to the state that a new block needs opening to fulfill a customer's request.¹⁷

In its *Delegated Authority Order*, the Commission specified that "state commissions with thousands-block number pooling authority are responsible for thousands-block number pooling administration" and that "[t]his responsibility includes the selection of a thousands-block number Pooling Administrator to allocate thousands-blocks to carriers within the area in the state where pooling is implemented..."¹⁸ The Commission has previously established preliminary guidelines for pooling and any state that is granted additional delegated numbering authority to conduct

¹⁴ *Delegated Authority Order*, July 20, 2000, Para 5

¹⁵ *Numbering Resource Optimization Order*, March 31, 2000, Para 183

¹⁶ *Numbering Resource Optimization Order*, March 31, 2000, Para 191

¹⁷ *Numbering Resource Optimization Order*, March 31, 2000, Paras 234 and 235

¹⁸ *Delegated Authority Order*, July 20, 2000, Para 20

interim pooling must comply with the national guidelines in such a manner that the transition will be seamless when the national roll-out occurs.¹⁹

Action taken by the Tennessee Regulatory Authority on September 26, 2000

At an Authority Conference held on September 26, 2000, the TRA rendered decisions which addressed five (5) issues inherent in exercising the delegated authority to implement interim thousand-block number pooling (1) selection of an interim Pooling Administrator; (2) selection of pooling software to be used; (3) mandatory reclamation of under-used thousand number blocks; (4) treatment of pooling costs and (5) establishment of an implementation date.

In its *Delegated Authority Order*, the Commission delegated to the TRA the authority to select a pooling administrator for Tennessee which will be responsible for organizing and implementing the pooling trial. Upon being delegated the additional authority, the TRA began the process of selecting an interim state Pooling Administrator. The TRA acknowledges that the selection of a pooling administrator will be superceded when the Commission selects the national pooling administrator. Telcordia Technologies ("Telcordia") agreed to conduct Tennessee's interim pooling trial within the 901 and 615 area codes, until the national pooling administrator is selected by the Commission, without imposition of costs. The TRA found that the selection of Telcordia would be in the public interest because Telcordia possesses the knowledge and expertise to act as the pooling administrator and Tennessee consumers will not incur interim pooling administrative costs. Consequently, the TRA appointed Telcordia as the interim Pooling Administrator for Tennessee.

As to the selection of pooling software, the TRA found the use of 3.0 version software is more suitable for number pooling trials. Following the recommendation of the Task Force, the

¹⁹ *Numbering Resource Optimization Order*, March 31, 2000, Para 14

TRA determined using 3.0 version of the pooling software to be in the public interest and adopted 3.0 version for use in implementing number pooling.

For 1K Pooling to achieve its purpose of conserving telephone numbers, the TRA recognized that under-used 1000 number blocks should be returned to the pooling administrator. Number utilization study results reported by the TTA in December 1999 revealed that 582 one thousand number blocks existed in the 615 area code having less than ten percent (10%) contamination.²⁰ Using the national standard of 10 percent (10%) contamination,²¹ the TRA determined that all telecommunications service providers capable of local number portability, not exempted by the FCC, should return to the interim Pooling Administrator all 1K number blocks where the assignment of numbers within a 1K block is equal to or less than 10 percent (10%).

As to a cost recovery plan, the Commission's *Numbering Resource Optimization Order* provides that states authorized to implement interim pooling trials shall determine the method of recovery of all pooling costs.²² Such recovery is governed by Section 251 of the Act which states that any recovery mechanism shall be competitively neutral.²³ The TRA determined that addressing Tennessee specific pooling costs at such a time when pooling is implemented will provide the TRA with additional time to ascertain the Commission's position as to cost recovery on the national level. In addition, the TRA determined that addressing costing issues at the present time could slow the implementation of number pooling, thereby impacting area code relief for the 615 area code. The TRA found that cost recovery for interim pooling would be

²⁰ *Report and Recommendations of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, Attachment 2, p 36

²¹ The FCC found that "donation of thousands-block with up to a ten percent contamination threshold has the potential to add significant numbering resources in areas where thousands-block number pooling has been implemented" *Numbering Resource Optimization Order*, March 31, 2000, Para 191

²² *Numbering Resource Optimization Order*, March 31, 2000, Para 171

²³ *Numbering Resource Optimization Order*, March 31, 2000, Para 200

addressed in a separate proceeding and directed TRA Staff to work with the telecommunications industry to develop a schedule for addressing interim 1K pooling cost recovery.

In its *Report and Recommendation of the Number Conservation Task Force to the Tennessee Regulatory Authority*, the Task Force recommended that an implementation date be made part of the Authority's number pooling order.²⁴ In determining a date for the commencement of number pooling, the TRA considered the jeopardy status of the 901 and the 615 area codes and the fact that the 3.0 version of pooling software would become available during the first quarter of 2001. Furthermore, the TRA determined that an implementation date must fit within the FCC's limitation on pooling trials, i.e., that not more than three (3) Numbering Plan Areas ("NPAs") should be implemented within each Numbering Plan Area Code ("NPAC") region per quarter.²⁵ The TRA found that as a result of action previously taken by the TRA to reduce depletion of the 901 area code, implementation of 1K Pooling in the 901 area code was not as urgent as in the 615 area code. The TRA determined that number pooling in the 901 area code should be implemented not later than thirty (30) days prior to the mandatory dialing date for the new 731 area code. The TRA also found that the earliest date for implementing number pooling in the 615 area code should be March 1, 2001, contingent upon NeuStar releasing 3.0 version software prior to that implementation date. On February 6, 2000, the TRA determined to extend the implementation date to May 4, 2001 at the request of BellSouth.

²⁴ *Report and Recommendation of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, page 25

²⁵ *Numbering Resource Optimization Order*, March 31, 2000, Para. 159

Sprint's Comments

In its Comments filed on February 12, 2001, Sprint alleges that the TRA's petition fails to meet the criteria for interim pooling trials in NPAs as established in the Commission's *Numbering Resource Optimization Order* of March 31, 2000. Sprint also asks the Commission to "confirm that the recent Tennessee Pooling Order is inconsistent with its delegated authority"²⁶ Sprint asserts that the TRA "appears unwilling to adopt an area code relief order" and belittles the actions of the TRA by remarking that "the Tennessee Commission [sic] still has not found time to adopt a relief plan for the 615 NPA"²⁷ In closing, Sprint strays from its comments addressing the 615 NPA and urges the Commission to "promptly withdraw *all delegated authority* from the Tennessee PUC [sic] and expeditiously adopt the overlay plan that industry has recommended" if the TRA does not adopt a relief plan for the 615 NPA by May 1, 2001.²⁸

The Tennessee Regulatory Authority's Reply to Sprint's Comments

Contrary to the accusations of Sprint, the TRA has not and will not use its authority to conduct interim pooling trials to bypass its obligation to provide area code relief. Sprint's remarks concerning the status of the 615 NPA and the TRA's actions in attempting to provide relief thereto demonstrate that Sprint lacks a clear understanding of the situation as it exists in Tennessee. The TRA specifically addresses Sprint's remarks as to Tennessee in the discussion that follows.

1. The status of Tennessee's 615 NPA satisfies the Commission's three criteria for approval of authority to implement an interim pooling trial.

²⁶ Sprint's Comments, (February 12, 2001), p 11

²⁷ Sprint's Comments, (February 12, 2001), p 12

²⁸ Sprint's Comments, (February 12, 2001), p 12 (Emphasis supplied)

In its Comments, Sprint makes the statement that “. . .some states are now wanting to implement “interim” pooling even though their NPAs meet few or none of the criteria that the Commission has established ”²⁹ Sprint’s statement is inaccurate regarding Tennessee’s petition. The 615 NPA meets the Commission’s three part test.

On July 20, 2000, when the Commission released its *Order Delegating Authority*, Tennessee’s 615 NPA already met all three additional requirements outlined by the Commission’s *Number Resource Optimization*. Through its filing of August 10, 2000, the TRA notified the Commission that the 615 NPA met all criteria necessary to be included in the delegation of authority to Tennessee. Addressing Sprint’s comments, the following is an outline of the supplemental information contained in the TRA’s August 10, 2000 filing which specifically complies with the Commission’s requirements:

(1) *An NPA in the petitioner state is in jeopardy*

The 615 NPA was declared to be in jeopardy by NANPA on July 14, 2000.

(2) *The NPA in question has a life expectancy of one year*

At the time jeopardy was declared by NANPA, the 615 area code was projected to exhaust by the second quarter of 2002 (2Q2002”).

(3) *The NPA is in one of the largest 100 MSAs*

The MSA for the 615 NPA is Nashville, Tennessee which is listed as number 51 of the top 100 MSAs in FCC 96-286, CC Docket No 95-116, July 2, 1996, Appendix D.

As of this date Tennessee’s 615 NPA continues to meet all requirements established by the Commission’s three step test

While it is unclear from the Comments whether Sprint recognizes that the 615 NPA meets the MSA and jeopardy status requirements, Sprint does incorrectly assert that Tennessee’s

²⁹ Sprint Comments, (February 12, 2001), p 4

615 NPA fails to meet the one-year life span requirement. In its comments, Sprint lists Tennessee's 615 NPA as one of the "[f]ive...NPAs included within the pending petitions [that] do not meet the one-year life span requirement."³⁰ Sprint's statement is inaccurate and should not be applied to Tennessee's 615 NPA

The NANPA projects the exhaust date for 615 NPA to be second quarter 2002 (2Q2002), but recent reductions in the demand for NXXs may in fact extend the life expectancy of 615 NPA beyond the projected exhaust date, as explained below. On August 10, 2000, NANPA established the 615 NPA final jeopardy procedures by industry consensus. Sprint participated in establishing these procedures. The Industry agreed to the assignment of no more than ten (10) NXX codes per month. NANPA conducted a 615 NPA Jeopardy Status Conference Call on February 9, 2001 during which it was decided that the assignment of ten (10) NXXs per month would be continued. Sprint and the TRA Staff participated on this most recent Conference Call.

During the February 9, 2001 Conference Call, NANPA provided information that there were 171 Central Office Codes remaining for assignment in the 615 area code and explained that the average code assignment over the six (6) month period from August, 2000 through January, 2001, was 6 NXXs per month. On February 27, 2001, a NANPA Industry Meeting was held at the TRA to discuss the development of pooling environment jeopardy procedures in the 615 area code. At that meeting, which was attended by a representative of Sprint, NANPA announced that the 615 area code now has 176 Central Office Codes available for assignment. NANPA further announced that a cumulative total of 37 Central Office Codes would be available for assignment in the month of March. Consensus was reached on the procedures to be used by NANPA and the Tennessee Interim Pooling Administrator in the 615 area code pooling

³⁰ Sprint's Comments, (February 12, 2001), p. 8

environment Through its participation in the NANPA Conference Calls and meetings, Sprint should know that its representations regarding the life expectancy of the 615 NPA are not accurate.

2. Sprint's comments about the TRA's December 12, 2000 Pooling Order are not well founded.

On December 12, 2000, the TRA issued its Number Pooling Order for the 901 and 615 NPAs. The TRA fully acknowledges the Commission's plenary authority over numbering issues and expressly recognized the Commission's jurisdiction in its November 16, 1999 Petition, its August 10, 2000 supplemental filing, and its January 5, 2001 request to the Commission. The TRA was acting with the understanding that because delegated numbering authority had already been granted for one NPA (the 901 area code), it need only supplement its Petition to demonstrate that the 615 area code complied with the three criteria. This supplemental information was provided to the Commission in the TRA's August 10, 2000 filing. The TRA was not aware that the August 10, 2001 filing would be considered as a separate petition for authority and, that following the TRA's January 5, 2001 request for expedited treatment, the August 10, 2000 filing would be subject to public comment

The TRA has not taken any steps to enforce the March 1, 2001 implementation date in the 615 NPA. In fact, on February 6, 2001, the TRA granted BellSouth's request for an extension until May 4, 2001. Realizing that its additional authority has yet to be granted from the Commission, the TRA has begun exploring whether the Industry would voluntarily agree to implement pooling in the 615 NPA. Of great significance is the fact that during a Conference Call on February 15, 2001, hosted by Tennessee's Interim Pooling Administrator, the Industry reached consensus to *voluntarily* implement pooling in the 615 area code on May 4, 2001.

The TRA rendered its oral decision implementing 1000 Number Block Pooling at a regularly scheduled Authority Conference held on September 26, 2000. The Order reflecting that decision was not entered until December 12, 2000. Sprint offered no objections or opposition to the TRA's decision after the Conference. Even after the Pooling Order was entered on December 12, 2000, Sprint voiced no objections or opposition to the TRA. Further, Sprint did not raise any concerns about the Pooling Order to the TRA Staff during any of the meetings it attended. Sprint made no mention of its objections until it filed its Comments with this Commission on February 12, 2001.

In addition to objecting to the TRA's Pooling Order, Sprint makes the following statement in its Comments,:

The December 12, 2000 Order is also problematic as applied to the 615 NPA. Although the Tennessee PUC [sic] has authority to implement pooling in this NPA, this authority is conditioned on the PUC's adoption of a cost recovery plan.³¹

Sprint then quotes from the Commission's *Delegated Authority Order*: "[S]tates conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs for implementing and administering pooling within their states."³² Sprint applies its own interpretation of the Commission's language by asserting that the TRA's delegated authority "is conditioned" upon adopting a cost recovery plan. The TRA finds nothing in the Commission's orders requiring the state regulatory agency to adopt immediately a cost recovery plan simultaneously with the adoption of a number pooling implementation plan. Sprint's comments assert that such a requirement should be imposed on the state of Tennessee

³¹ Sprint's Comments, (February 12, 2001), p. 12.

³² Sprint's Comments, (February 12, 2001), p. 12, n. 28 (quoting from the FCC's *Delegated Authority Order*, Para. 21.)

but also ignore the efforts of the TRA in working diligently toward adopting a cost recovery plan.

Through its actions taken on September 26, 2000, the TRA made a selection of an interim Pooling Administrator. The TRA has worked closely with this Pooling Administrator to ensure that affected carriers will not incur pooling administrator costs in the implementation of pooling in the 901 and 615 NPAs. The TRA understands, nevertheless, that there may be some pooling implementation carrier costs, but has decided to treat these costs similar to the Commission's Number Portability methodology.³³

The Commission requires the states to develop their own cost recovery mechanisms for implementing pooling trials. The Commission does not specify when the mechanisms be established, but leaves the sequence up to the states. This position is reasonable for carrier-specific costs in order to see what actual costs are incurred before putting the recovery mechanism in place. The Commission's decision to defer this timing decision to the States provides an efficient means for establishing a cost recovery mechanism.

3. Sprint's comments that Tennessee "appears unwilling to adopt an area code relief order"³⁴ are inaccurate and completely disregard the record of the Tennessee Regulatory Authority's efforts regarding area code relief.

The TRA is in complete agreement and has acted consistent with the Commission's position that number conservation measures can not exclude or be a substitute for unavoidable and timely area code relief. The TRA's actions with regard to relief in the 615 area code evidence the TRA's commitment to this position.

On June 1, 1999, the TRA was notified by the North American Numbering Plan Administration that 615 NPA was projected to exhaust by the fourth quarter 2000 ("2Q2000"),

³³ *First Report and Order on Telephone Number Portability*, CC 95-116, FCC 96-286, && 3-6 (July 2, 1996)

and relief planning began with the industry planning meeting on July 27, 1999. On August 31, 1999, the TRA was officially notified of the results of that planning meeting. On September 14, 1999, the TRA directed its Staff to conduct public meetings to commence the planning and decision-making process required for area code relief. On October 15, 1999, the TRA requested 615 and 901 NPAs code-holding carriers to review their number inventory and return any unused NXXs. Several carriers voluntarily returned several NXX codes in the 615 NPA. The TRA carried out all of the necessary tasks and, by the fourth quarter 1999, all planning and information gathering had been completed for the Authority to make a decision on the best relief strategy to implement for relieving the 615 area code. Notwithstanding the careful actions of the TRA, a series of unexpected events took place.

On December 2, 1999, NANPA notified the Authority "...that a reduction in the demand for central office (CO) codes and recent reclamation of codes in the 615 NPA could easily delay the exhaust of this NPA for several years. [t]he result is the 615 area code is now projected to exhaust in the first quarter of 2003"³⁴ NANPA proposed a new timeline for relief implementation, recommending that the TRA delay its relief strategy decision until mid-November 2001. Sprint received a copy of this notice.

To further complicate the 615 NPA situation, NANPA later notified the TRA on July 14, 2000, that 615 NPA was in jeopardy. With this jeopardy notification, Tennessee's 615 NPA met the three requirements established by the Commission for consideration of delegated authority. Shortly thereafter, the TRA supplemented its petition to the Commission for the delegated authority required to implement thousand block number pooling in 615 NPA.

³⁴ Sprint's Comments, (February 12, 2001), p. 12

³⁵ NeuStar letter dated December 2, 1999, Re: Relief of the Tennessee 615 area code

Notwithstanding its request for delegated authority to implement number pooling, the TRA has worked diligently toward the adoption of an area code relief plan should one become necessary. As stated above, NANPA has announced that the 615 area code now has 176 Central Office Codes available for assignment. NANPA further announced that a cumulative total of 37 Central Office Codes would be available for assignment in the month of March. If this trend of NXX assignment continues, in addition to Tennessee's reclamation efforts, the life expectancy of the 615 area code could be extended.

The TRA asserts that, taking into account the current jeopardy procedures of allocating ten (10) NXX codes per month, the average assignments of six (6) NXX codes per month over the past six (6) months assignment; the projected life expectancy of the 615 area code to 2Q2002, and the 176 NXX codes that are available, the TRA is acting reasonably in not ordering area code relief for 615 NPA at this time. Sprint puts forth no solid public policy reason or legal justification for asking the Commission to revoke the authority it has delegated to the TRA.

Conclusion

The Commission and the states must continue to work together to resolve the thorny issues surrounding numbering problems. The TRA agrees with the Commission that 1K block number pooling is one of the most valuable mechanisms for correcting the inefficient legacy number allocation method, and that number pooling can substantially extend the time before area code relief becomes necessary. The TRA has worked hard and has achieved substantial progress toward improving conservation of Tennessee's numbering resources. The TRA has moved quickly, in accordance with Commission guidelines, to deal with the legacy problems of telephone number utilization and assignment. Tennessee is poised and ready to immediately implement interim number pooling in the 615 NPA in the event that the Commission approves

the TRA's petition. Because of the preliminary work already accomplished by the TRA, interim number pooling can be implemented in the 615 NPA within weeks of the Commission's approval of the TRA's petition.

Finally, the TRA asserts that Sprint has not fully and accurately represented in its Comments the TRA's record on number conservation and area code relief. For the above stated reasons, the TRA asks the Commission to reject Sprint's Comments and expeditiously approve the TRA's request of additional delegated authority in Tennessee's 615 NPA.

Respectfully submitted,

Tennessee Regulatory Authority

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February 28, 2001

CERTIFICATE OF SERVICE

I, J Richard Collier, hereby certify that on this 28th day of February 2001, I served a copy of the foregoing Tennessee Regulatory Authority's Reply Comments by U S first-class mail to the following persons

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In the matter of

Verizon Wireless' Petition Pursuant
To 47 U S C § 160 For Partial
Forbearance From The
Commercial Mobile Radio Services
Number Portability Obligation

WT Docket No 01-184

CC Docket No. 99-200

COMMENTS OF THE STATE COORDINATION GROUP

The State Coordination Group (SCG) is comprised of State Commissions' staffers who are regularly involved with number conservation issues. The SCG is not affiliated with any other group and only speaks for itself. The staff members generally support the positions set forth in this document. This document represents the collective efforts of staff members of the following State Commissions: Pennsylvania, Tennessee, Nebraska, California, Ohio, Texas, and Maryland. Also endorsing this document are The Maine Public Advocate's Office and The Maryland Office of People's Counsel.

The views expressed by State staffs may not reflect the positions of their Commissions. Silence by a State Commission in its separately filed comments on any particular point set forth in this document does not connote agreement or disagreement with that point.

I. THERE IS A PATTERN EMERGING

A. *The Wireless Industry is Reneging on Its Agreement.*

Since the Federal Communications Commission (FCC or Commission) released its *First Report and Order* on number portability in 1996, the wireless industry has filed three petitions for extensions of time to meet the FCC's portability requirement. In November 1997, the Cellular Telecommunications

Industry Association (CTIA) filed a petition with the FCC's Wireless Bureau requesting a nine-month extension of the portability requirement. CTIA claimed that an extension was necessary due to the "complexity of the wireless number portability solution and the multitude of systems which need to be modified for its effective implementation" ¹ The Wireless Bureau granted the extension on September 1, 1998. In December 1997, prior to the nine-month extension being granted by the Wireless Bureau, the CTIA filed a second petition, this time with the Commission itself. The petition sought forbearance from the wireless portability requirement under Section 10 of the Communications Act of 1934. This petition was filed only nineteen months before the FCC deadline for the wireless portability requirement.

In its Memorandum Opinion and Order, WT Docket No. 98-229, CC Docket No. 95-116, the FCC stated the following:

In its Forbearance Petition, CTIA argues that the implementation deadline for wireless service provider portability should be extended not only because of the technical complexity of implementing portability, but also on the grounds that near-term implementation of wireless number portability is not essential to competition and could harm existing competition by forcing wireless carriers to divert resources from other endeavors such as expanding network coverage and improving service quality. CTIA also argues that the capital requirements associated with implementing wireless number portability will impede network buildout and reduce price competition without a commensurate benefit to competition. Therefore, CTIA argues that forbearance from CMRS number portability obligations until the five-year PCS buildout period has ended is appropriate under a section 10 forbearance analysis. ²

¹ Reply Comments of the CTIA dated January 26, 1998.

² FCC *Memorandum Opinion and Order*, page 7 at para 12.

If this sounds vaguely familiar, it should. On August 2, 2001, seventeen months from the November 2002 deadline, the FCC received yet another petition. This one, from Verizon Wireless (Verizon), requests permanent forbearance from the wireless number portability obligation, rather than a mere delay in implementation. Verizon's petition, long on rhetoric and short on fact, asks the FCC to excuse the wireless industry from the competitive woes of Local Number Portability. The reasoning is trite. Phrases similar to the following are peppered throughout Verizon's recent petition

- . . . expensive but totally unnecessary investments. .³
- . . . regulatory overkill .⁴
- . . . complex technical burdens and expenses .⁵
- . . . costly, enormously complex, and totally unnecessary burden .⁶

Then there are the usual scare tactics.

- . . . slow the provisioning of new services .⁷
- . . . consume scarce resources .⁸
- . . . concerns over network impact and reliability. .⁹

The FCC should see this filing for what it is . . . yet another attempt to forestall the development of competition in the telecommunications marketplace.

³ Verizon Wireless petition, Docket No. WT 01-184, page 1

⁴ Verizon Wireless petition, Docket No. WT 01-184, page 2

⁵ *ibid*

⁶ Verizon Wireless petition, Docket No. WT 01-184, page 9

⁷ Verizon Wireless petition, Docket No. WT 01-184, page 3

⁸ *ibid*

⁹ Verizon Wireless petition, Docket No. WT 01-184, page 8

B. Was There Ever Any Intent to Comply with the FCC Order?

Comparing the timing and content of the petitions filed by the wireless industry since the *First Report and Order*, a pattern emerges. It appears that the wireless industry is determined to oppose the Local Number Portability (LNP) requirement soon after the *First Report and Order* was issued. They stall repeatedly, each time offering a different reason for not meeting the mandate

In the most recent version of the argument, Verizon states that the wireless industry can and will implement full number pooling without full LNP-capability by the FCC-mandated deadline of November 24, 2002. Verizon proposes to accomplish pooling by using only the Location Routing Number (LRN)-architecture. This is a complete reversal of over two year's worth of arguments by the wireless industry, in both state and federal forums, that full LNP-capability is necessary for pooling. Given the abrupt change of position, the Commission should re-evaluate the credibility of any of the industry-sponsored evidence and commentary.

C. We Know What the Customer Wants – Just Ask Us.

Verizon states in its petition that, "Customer choice is not impeded by personal attachment to a wireless phone number" ¹⁰ and points to a low "churn" level in the wireless industry as proof of its assertion. However, a more thorough analysis of the situation suggests that the industry's long-term contracts and the inability of customers to keep their phone numbers contributes to the currently low turnover rate. If this is the case, the ability to retain one's wireless phone number might significantly impact consumer choice in wireless carriers.

¹⁰ Verizon Wireless petition, Docket No. WT 01-184, page 29

Now is the time to dismiss the “smoke and mirrors” of the wireless industry. The real issue is that they do not want to port individual numbers. The industry opposes portability because the provisioning of full LNP requires wireless providers to incur additional “back-office” costs and weakens the semi-captive hold the industry has on its customers. Given the opportunity to keep their current wireless numbers, customers are certainly more likely to shop for the best rates and service they can find. The Verizon petition reneges on the wireless industry’s promises to the FCC and is ultimately just another attempt to protect market share while hindering “true” competition. The Commission should reject Verizon’s petition and should hold Verizon and the rest of the industry to their commitments.

II. COMPETITION IS NOT SERVED BY FORBEARANCE

A. Verizon’s Petition Contains a Flawed Cost-Benefit Analysis.

Verizon has veiled its request for forbearance as a response to the FCC’s policies regarding efficient number utilization. “The FCC can fully achieve the number optimization goals it aims to achieve through pooling without requiring LNP, and thus without forcing carriers to make the substantial investments of personnel and capital that would be required for LNP.”¹¹ However, the Verizon request is, primarily, about competition. Verizon asserts that the cost of compliance with the LNP mandate, “will be expensive and

¹¹ Verizon Wireless petition, Docket No. WT 01-184, pages 13-14.

burdensome to achieve”, and that the expense cannot be justified by the goal of increased competition because competition among carriers “is already being achieved”.¹² Thus, Verizon is claiming that a cost-benefit analysis demonstrates that the benefit of meeting the LNP mandate, i.e., increased competition, does not warrant the expense of achieving that goal

There are two fundamental flaws in Verizon’s argument. First, Verizon has not quantified its costs for implementing full portability. Certainly, it has set forth in its pleading an accounting of the types of technical changes that must be made to its network to comply with the LNP mandate. However, Verizon offers no actual cost estimate, either total costs or projected per-customer costs. Thus, the FCC is lacking the cost component of Verizon’s cost-benefit analysis, making it impossible to evaluate Verizon’s claims.

Further, Verizon makes absolutely no attempt even to identify the “benefit” of implementing LNP, let alone to quantify it. Again, it is noteworthy that Verizon has omitted this essential analysis from its petition. Verizon is content to claim, erroneously, that the FCC’s goal of increasing competition has been achieved and that should be the end of the discussion. However that is merely the beginning of the discussion.

B. Does Having to Change Telephone Numbers Impede Wireless Competition?

When a state undertakes area code relief, whether it be overlay or split, wireline customers experience varying degrees of inconvenience and expense. The degree to which the customers are disadvantaged depends on the degree they are dependent on their telephone. Businesses, for instance, incur considerable costs to

¹² Verizon Wireless petition, Docket No. WT 01-184, page 12

reprint letterhead, business cards, reprogram computers, change advertising, etc. and they still have to get the word out to their customers. Residential customers must change address books at home and work and in computers and get the word to all their personal contacts. Many, many complaints are logged with State Commissions before and during area code relief regarding the inconveniences and costs associated with changing a phone number. Thus, there is certainly documented proof that changing one's telephone number is not an easy task.

Today, when wireless customers consider changing their service providers, they must weigh the advantages to be derived from a different calling plan against the disadvantage of having to give up their existing wireless telephone number. It seems an obvious conclusion that wireless customers would also consider the need to change telephone numbers an impediment to changing service providers. This is all the more true now, as opposed to two years ago, given the increases in both general wireless subscribership and wireless usage. The actual number of customers who would change wireless service providers if they did not have to change their telephone numbers is unknown. Verizon has included no such estimate in its petition. During an August 29, 2001 conference call between representatives of Verizon Wireless and several State Commissions' staff members, Verizon admitted it did not have hard data to offer on this issue. The omission of this information is crucial.

Without any assessment of the extent to which wireless customers value their telephone numbers and how much of an impediment this is to changing carriers, Verizon simply cannot assert that the benefit of deploying LNP does not justify the cost. The ability to change carriers without barrier or consequence is the essence of

competition. If having to relinquish one's telephone number prevents customers from changing carriers, then the wireless industry's failure to comply with the LNP mandate will only impede competition. The ability to retain one's wireless telephone number is a benefit the customer may consider critically important but Verizon has offered no assessment of this benefit to consumers. Consequently, both Verizon's cost-benefit analysis of the LNP mandate, and its characterization of the degree of competition in the wireless marketplace both are seriously flawed.

C. *What About the Wireless Industry's Interest in Competing with Wireline Carriers?*

Verizon's petition fails to discuss yet another consideration essential for the FCC's evaluation of Verizon's request for permanent forbearance. In recent years, the wireless industry increasingly has positioned itself as a source of competition for incumbent local exchange service providers' wireline services. In that vein, wireless providers have repeatedly argued that the Commission's policies should be technology-neutral, and should not favor one industry segment over another. The wireless industry has been particularly vociferous in demanding that FCC numbering policies must not discriminate against wireless carriers. The insistence on non-discriminatory policies has been evidenced in myriad ways, ranging from advocacy of a particular recovery mechanism for LNP implementation costs to outright opposition to number pooling because wireless carriers would not be LNP capable.¹³

The underlying theme for wireless positioning on various numbering issues is its insistence on being treated the same as any other industry segment. In large

¹³ In light of the instant petition, previous vehement opposition by the wireless industry to the FCC's delegation of authority to states to undertake pooling trials is especially noteworthy.

measure, the wireless industry has anticipated the possibility, if not probability, that in the eyes of most consumers, wireless service will become truly competitive with wireline service. That day is drawing nearer, as many wireless customers today eschew use of their wireline telephones to make toll calls, preferring to take advantage of wireless calling plans which afford customers thousands of "free" minutes of air time per month. In addition, as the wireless industry is the first to tout, the local calling scopes of wireless customers generally is vastly larger than that for wireline customers.¹⁴

The wireless industry has staked out its position premised on the need to be treated the same as every other industry segment, and premised on its potential to be competitive with wireline local exchange service. It should be noted that the Commission required wireline carriers in the top 100 MSAs to deploy LNP on a schedule that concluded December 31, 1998. Wireline customers have the option to change carriers but retain their assigned telephone number, as long as the customers remain physically within their local exchange. If the wireless industry is granted forbearance, wireless customers will not have the same opportunity to change carriers and keep their telephone numbers.

Granting the requested forbearance will guarantee that wireless service will not become truly competitive with wireline local exchange service because customers cannot switch between wireline and wireless service without giving up their telephone numbers. In addition, granting the requested forbearance will establish a precedent for discriminatory policies between technologies – something that the wireless providers have begged the FCC to avoid when the discrimination was not in its favor and

¹⁴ This is especially true in California, which has a uniform statewide local calling scope of only twelve miles, among the smallest in the nation.

something that the FCC itself has repeatedly eschewed.

Again, it is noteworthy that the Verizon petition does not mention the industry's interest in competing with wireline local exchange carriers. Nor does it acknowledge that the policy it advocates would discriminate to the detriment of wireline carriers who already have spent millions of dollars to deploy LNP technology and to begin pooling. These are factors of tremendous importance in the FCC's consideration of the instant petition and the fact that Verizon did not even acknowledge these important factors, let alone address them, reflects a complete underestimation of the seriousness with which both federal and state regulatory authorities consider this issue. Verizon has not met its burden of demonstrating why the relief sought should be granted, its error of multiple omissions should not be rewarded.

D. Additional Data Is Needed on Customer Preferences.

The Commission should reject Verizon's petition outright, on the grounds that it has failed to demonstrate any rational basis for the relief it seeks. Should the FCC be inclined to consider the petition, the Commission should, at a minimum, obtain further data on the value wireless customers place on their telephone numbers. The Commission could do this in one of two ways. The FCC could commission an independent study, or it could direct Verizon or a wireless industry trade group to commission an independent study. If the Commission accepts Verizon's claims without gathering additional information, the decision will be based on a completely inadequate record.

III. DO NOT ASSUME THAT WIRELESS CARRIERS WILL BE READY TO PARTICIPATE IN POOLING BY NOVEMBER 2002

A. *Vendors and Other Third Parties Make for Ready Excuses.*

In its Petition, Verizon Wireless repeatedly states that if it is allowed to focus its energies on preparing for pooling, it will be ready to do so by the FCC's November 2002 deadline. What Verizon Wireless does not state is that its participation in pooling is conditioned upon the timely delivery of software by third-party vendors as well as the participation of all other wireless carriers -- and that both of these contingencies are already in serious jeopardy of not happening on time. Both federal and state regulators must become much more involved in direct oversight of the wireless pooling implementation process to ensure the roll out of wireless pooling by November 2002.

In its August 23, 2001 draft, *Pooling Before Porting Task Force Report*, the CTIA states,

However, this date [a September 2002 software testing date for rollout in November 2002] is predicated on timely delivery and testing of LNP query software for virtually every wireless switch type deployed within the United States. Today it is still uncertain whether certain switch vendors will have timely availability of LNP query software for deployment and testing. Thus, vendor delays in LNP query software availability **will** impact Pooling Establishment and jeopardize its completion by the mandated November 24, 2002 deadline (emphasis added)

While several large carriers have told us that they are putting as much pressure on their vendors as possible, they are still uncertain as to whether the vendors will deliver on time. If the experience with the rollout of NPAC software version 3.0 is any indication of how difficult it is to completely test and rollout software, there could be significant delays.

in the November 2002 deadline.¹⁵

In addition to vendor-readiness issues, recent conversations with wireless carriers confirm the fact that many of the smaller wireless carriers are confused about what they need to do and have not yet made the necessary arrangements to become LNP-capable. The wireless industry has termed this situation the “slow horse problem.” As Verizon Wireless states in its Petition, in order to support seamless wireless roaming, all wireless carriers must implement pooling/porting at the same time. To the extent that some carriers do not meet the deadline, some customers will be dropped from the network when roaming outside their home area – a result that benefits neither the consumer nor the carriers.

While we understand and appreciate the fact that many of the larger carriers are working very hard on this issue and are, through industry fora, trying to push the smaller carriers along, we do not believe that their efforts will be adequate. We strongly encourage the Commission to take a more pro-active approach with the wireless industry and to include representatives from state commissions. It is the collective experience of those states that have already implemented pooling, that the state commission has to take a very active role in the process in order to ensure carrier compliance and participation. It appears that a similar level of vigilance and participation will be needed to ensure that wireless pooling is implemented on time.

B. There Should Be Reasonable Penalties for Non-Compliance.

One way to ensure that third-party vendors and carriers alike meet their deadlines is to use substantial financial penalties as incentives. Because neither state

¹⁵States were originally told that 3.0 software would be available by October 2000. Currently, 3.0 is only available in the Northeast region and continues to experience technical difficulties. Thus, there will be at least a year delay in rollout.

commissions nor the FCC have jurisdiction over third-party vendors, the only way to impose penalties on them is to impose them directly on the carriers for failure to meet the deadlines. The carriers, in turn, will include the penalties in their contracts with their vendors. This will hopefully be incentive for them to deliver their product on time. Also, by having a penalty system in place, the Commission will give all carriers (large and small) the incentive to expend the necessary funds to ensure compliance – carriers will not want to pay for both the penalty and the software. In order to be effective, however, the penalties must be substantial – a relative percentage of a carrier's revenues might provide a competitively neutral mechanism for assessing such a penalty.

We also believe that non-compliance with the FCC order should preclude the wireless industry from obtaining more scarce numbering resources. The industry has known for at least five years that they must become LNP-capable and, as of November 2002, they will have had five years to work out the "technical difficulties" they identified back in 1997. In addition, the stakes are high. According to the FCC's own studies, wireless participation in pooling would result in the addition of over 24 million phone numbers in the available inventory. In addition, while wireless carriers are assigned 19% of the total NXX in the United States, they currently account for 50% of the new NXXs assigned by NANPA. It is essential that wireless carriers participate in pooling as soon as possible if the FCC's implementation of number conservation measures is to have an appreciable impact of the rate of area code exhaust. Further delay will lessen the impact of conservation measures and hasten the advance of complete NANP exhaust.

IV. CONCLUSION

Verizon's petition is without merit and is nothing more than another stalling tactic by the wireless industry to avoid implementing Local Number Portability. The SCG believes it is time to put the wireless industry on notice. The SCG vehemently opposes Verizon's petition for forbearance and asks the Commission to swiftly reject the petition in its entirety, thus sending a message that the Commission expects its deadline to be met.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

IN THE MATTER OF

**THE TENNESSEE REGULATORY
AUTHORITY PETITION FOR ADDITIONAL
DELEGATED AUTHORITY TO IMPLEMENT
NUMBERING CONSERVATION MEASURES**

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CC DOCKET NO. _____

**PETITION OF THE TENNESSEE REGULATORY AUTHORITY
FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT NUMBERING
CONSERVATION MEASURES**

The Tennessee Regulatory Authority ("TRA") hereby submits to the Federal Communications Commission ("FCC") its petition for additional delegated authority to implement number conservation measures. The TRA requests authority to implement various measures which would result in a more efficient use of telephone numbers, thereby slowing the pace of area code relief, without having anti-competitive consequences or favoring one segment of the industry over another. Such measures would also protect Tennessee consumers from the disruption of service as well as diminish the economic and social costs of changes associated with the implementation of new area codes.

Specifically, the TRA respectfully requests that the FCC delegate authority to the TRA to:

1. Enforce current numbering allocation standards and establish and enforce new standards.
2. Maximize the efficiency of number use practices within NXX codes by setting fill rates and by requiring utilization surveys.

3. Reclaim unused and reserved NXX codes and portions of those codes.
4. Order number utilization and forecasting reporting, and audit such reporting.
5. Implement mandatory thousands-block number pooling.

I. BACKGROUND

Tennessee, like many other states, is experiencing a dramatic growth in the demand on its telephone numbering resources. This increased demand has resulted in Tennessee adding three (3) new area codes since 1996, as almost a yearly occurrence. The 423 area code was added in East Tennessee during 1996, while the Middle Tennessee 931 area code was added in 1997. Tennessee is now in the process of implementing the 865 area code to relieve the 423 area code in East Tennessee. Permissive dialing for the 865 area code began on November 1, 1999 with mandatory dialing set to begin April 24, 2000.

More recently, Lockheed Martin, the North American Numbering Plan Administrator (“NANPA”), notified the TRA on June 14, 1999, that Tennessee’s 615 area code is likely to exhaust during the fourth quarter of 2000. In an attempt to prepare for this likelihood, the TRA has been studying and conducting open meetings for public comment on the two options available to the TRA: a geographic split or an overlay. Under either option, the maximum relief for the 615 area code is approximately five (5) years, after which additional action will be required. Further, the May 1999 Central Office Code Utilization Survey (“COCUS”) report shows that Tennessee’s 901 West Tennessee area code and the 931 Middle Tennessee area code will likely exhaust during the third quarter of 2002 and the first quarter of 2007, respectively.

In each of the three previous numbering shortages, the TRA selected, after receiving public comment, a split strategy for relief. In the current 615 area code shortage, the TRA is still in the investigation phase of considering different area code relief strategies. Public comments

received concerning this issue run consistently against adding new area codes. The current methods available to the TRA for dealing with numbering resources are not effective. Consumer dissatisfaction regarding the lack of action on numbering conservation is increasing to the point that it could erode the public's support for the increase of competition in the telecommunications sector. Decisive action by regulatory authorities is required to assure the public that all is being done at both the federal and state level to address this ever constant problem.

II. JURISDICTION

The federal Telecommunications Act of 1996 ("Act") grants the Federal Communications Commission ("FCC") exclusive jurisdiction over the North American Numbering Plan in the United States.¹ The FCC, however, has delegated specific authority to certain states to implement area code relief in the form voluntary thousands-block number pooling trials and central office code ("NXX ") rationing in certain causes.² Recently, the FCC has granted additional authority to several states, including Florida, New York and California, to implement numbering conservation measures. These grants of additional authority provide states with new tools to address the depletion of telephone numbering resources. The TRA desires to act in cooperation with the FCC in addressing the issues arising from numbering conservation and rationing and concludes that, in the short-term, the states may be in the best position to act quickly in implementing numbering conservation strategies. The TRA affirms that, in being granted additional authority, it will comply with any guidelines or national rules established by

¹ 47 U.S.C. § 251(e)(1)

² Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area codes 412, 610, 215, and 717, *Memorandum Opinion and Order and Order on Reconsideration*, CC Docket No. 96-98, 13 FCC Rcd 19009, 19025, ¶¶ 23-31 (1998) (*Pennsylvania Numbering Order*).

the FCC and will act in close consultation with the telecommunications industry.

III. TRA'S CURRENT EFFORTS TO PROVIDE AREA CODE RELIEF

At the present time, state authority to deal with this significant issue is limited. The TRA has, nevertheless, taken the initiative in establishing an Area Code Task Force made up of representatives from both the wireline and wireless industries, along with representatives from the TRA.³ This Task Force is charged with exploring the current utilization of Tennessee's numbering resources and making recommendations to the TRA on strategies that will better conserve Tennessee's existing area codes. In addition, this Task Force will provide information on how efficiently telephone numbers are being utilized in Tennessee.

The TRA has taken other action to further area code conservation measures in Tennessee. On October 15, 1999, the TRA issued a request to all affected telecommunications service providers to consider taking voluntary measures toward area code conservation.⁴ The TRA asked providers and cooperatives to review their inventories and voluntarily return non-utilized or otherwise dormant NXX codes to the NANP.

Notwithstanding the foregoing actions, the TRA needs additional tools to address Tennessee's numbering resource problems at this point in time when number conservation efforts can have a dramatic impact. While it may be too late to significantly alter the life expectancy of the 615 area code, quick action could prolong the life expectancy of the 901, 423, 865 and the 931 area codes.

³ The TRA commissioned the Tennessee Telecommunications Association to form the Area Code Task Force on February 2, 1999, for the purpose of researching and exploring options and measures that may be taken for numbering resource conservation. To date the TRA has not received a report from the Task Force.

⁴ A copy of the TRA's *Request To All Affected Telecommunications Service Providers And Cooperatives In Tennessee To Take Voluntary Area Code Conservation Measures* is provided as Attachment A.

The TRA will evaluate all numbering conservation measures authorized by the FCC in light of their impact on competition in Tennessee and will take caution to implement only those numbering conservation measures that will have competitively neutral effects. In addition, the TRA, in exercising its delegated authority, will ensure that: (1) numbers are made available on an equitable basis; (2) numbering resources are made available on an efficient and timely basis; (3) whatever policies the TRA institutes with regard to numbering administration will not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and (4) the TRA will not unduly favor one telecommunications technology over another.⁵

IV. AUTHORITY REQUESTED

The TRA requests that the FCC grant it authority to implement all or a portion of the variety of number conservation measures enumerated below. The TRA believes that these measures can conserve numbers without producing anti-competitive consequences and without favoring one type of provider or technology over another. Much of the additional authority sought by the TRA involves strict enforcement of existing industry guidelines. The TRA is involved in the efforts to develop national number conservation guidelines and is mindful of the fact that as national guidelines are developed Tennessee measures may require modifications.

The number conservation methods which the TRA requests authority to implement are detailed as follows:

⁵ These guidelines are in accordance with the FCC's stated guidelines for relief as articulated in *In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247, ¶ 7 (1999).

A. Authority to enforce current numbering allocation standards and to establish and enforce new standards

The code administrator, Lockheed Martin, has limited authority to enforce standards for the allocation of NXXs. The TRA requests authority to enforce the existing standards such as requiring a requesting company to be certified to provide service in the area before assignment of NXXs. Further, the TRA could require that a forecasted need for a new NXX be demonstrated in a months-to-exhaust report. The TRA also seeks authority to establish and enforce additional standards, such as requiring that a requesting company meet a fill rate before a growth NXX can be granted. Likewise a requesting company could be required to demonstrate readiness to provide service before an initial NXX would be granted. With this additional authority the TRA could mandate that initial and growth NXXs be returned to the code or pooling administrator if such standards are not met.

B. Authority to maximize the efficiency of number use practices within NXX codes

The TRA requests the authority to order that sequential numbers be used within an NXX or thousand-block. Such authority would help to preserve blocks of numbers for eventual pooling, whether under a Tennessee pooling plan or a national pooling plan.

C. Authority to order number utilization and forecast reporting, and to audit such reporting

The TRA requests authority to require number utilization and forecast reporting by all providers so that the TRA can monitor usage and enforce numbering standards.⁶ Such reporting would permit the TRA to have an accurate analysis of the need projections and would create a database for use in developing and evaluating needs-based number assignment standards. At the

⁶ The TRA already has broad authority under state law (Tenn Code Ann § 65-4-104) to request information from public utilities. The requested delegated authority would enhance that authority.

present time, requesting companies are not required to provide number utilization data with their applications for additional central office codes. The TRA seeks authority to require a requesting company to submit a utilization survey in connection with its request for additional numbering resources. This data would also help the TRA determine whether providers are using existing numbering resources efficiently before additional resources are assigned. The TRA also requests the authority to audit or oversee the audit of forecast reports to monitor compliance with number assignment and utilization requirements.

D. Authority to reclaim unused and reserved NXX codes and portions of those codes

At a minimum a requesting company should be required to maximize the use of an NXX before another NXX is assigned. The TRA requests authority to require that in order for a company to retain a newly obtained NXX, it must not only be "activated" within six months, but also a certain percentage of numbers must actually have been assigned to end users within that period of time. The TRA desires authority to require carriers to return NXX codes and thousands-blocks if not needed or used within a specified period after assignment. Further, the TRA seeks authority to investigate and order the return of reserved and protected NXX codes if such becomes necessary and can be done without causing disruption to network operations.

E. Authority to implement mandatory thousands-block number pooling


In granting relief to the states the FCC has authorized the use of voluntary pooling trials, and has specifically authorized states to institute thousands-block pooling trials. The TRA seeks the authority to implement non-discriminatory mandatory thousands-block number pooling. The TRA views thousands-block number pooling as a desirable tool to achieve long-term number conservation. The TRA intends to work with the industry Task Force to implement pooling as quickly as possible. Through working with the industry the TRA will begin the development of

a number pooling plan in Tennessee. The FCC has recognized "that state number pooling trails could aid in developing national pooling implementation, architecture, and administrative standards."⁷

V. CONCLUSION

The currently existing mechanisms available to the states for addressing numbering allocation problems are proving to be inadequate. The TRA respectfully requests that the FCC grant this Petition for Additional Delegated Authority to permit it to implement number conservation measures to ensure more efficient number resource utilization and curtail the ordeal and expense of repeated area code relief measures.

Respectfully submitted,


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General Counsel

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DATED: November 16, 1999

⁷ *In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-247, ¶ 10 (1999)

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 15, 1999

IN RE:

**AREA CODE CONSERVATION
MEASURES IN TENNESSEE**

DOCKET NO. 99-00784

**REQUEST TO ALL AFFECTED TELECOMMUNICATIONS SERVICE PROVIDERS
AND COOPERATIVES IN TENNESSEE TO TAKE VOLUNTARY AREA CODE
CONSERVATION MEASURES**

On October 12, 1999, the Tennessee Regulatory Authority ("TRA" or "Authority") unanimously resolved to petition the Federal Communications Commission ("FCC") for authority to implement number conservation measures, including, but not limited to, 1000 block pooling and reclamation.¹ In conjunction with this action, the Authority urged all affected and relevant Tennessee telecommunications service providers, including cooperatives, to consider taking voluntary measures towards area code conservation, including, but not limited to, voluntarily relinquishing any non-utilized or otherwise dormant inventory of NXX codes.

On February 2, 1999, the Authority commissioned the Tennessee Telecommunications Association to form an Area Code Conservation Task Force to research and explore options and

¹ The FCC has been delegated authority by Congress to oversee the North American Numbering System. While the FCC has delegated to the states the authority to select relief plans, it continues to maintain jurisdiction over number conservation measures.

ATTACHMENT

A

measures that may be taken for numbering resource conservation.² The Task Force is to report its findings, conclusions, and recommendations to the Authority as soon as is practicable. A report should be issued by the end of the year.

On June 14, 1999, the North American Numbering Plan Administrator (NANPA), Lockheed Martin IMS, notified the Authority that the 615 Numbering Plan Area ("NPA") would exhaust during the fourth quarter of the year 2000. Soon thereafter, NANPA, the Telecommunications industry, and the Authority began discussing various relief alternatives. Additionally, the Authority undertook, and continues to implement, certain educational and informational measures to alert and inform the public.

Recently, MCIWorldCom, Inc. ("MCIWorldCom") announced in a September 28, 1999, letter to the FCC that it was in the process of returning 77 NXX codes – or 770,000 telephone numbers – to NANPA.³ In its announcement, MCIWorldCom urged "all service providers, including CLECs, ILECs, and providers of wireless services, to act prudently" and not maintain an inventory larger than required to meet the needs of customers.

Consistent with the Authority's continuing efforts in identifying and promoting conservation strategies, the Authority hereby urges all affected and relevant Tennessee telecommunications service providers and cooperatives to review their inventories, consider the widespread area code relief activity now under way, and voluntarily return non-utilized or otherwise dormant NXX codes to NANPA.

² The Task Force is composed of both wireline and wireless carriers and Authority Staff. Further, the National Regulatory Research Institute is assisting the Task Force with a number utilization study.

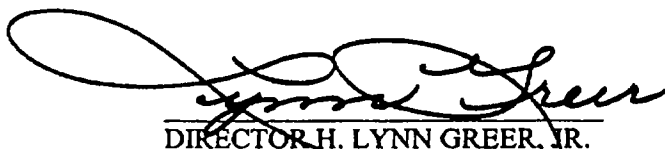
³ Bell Atlantic has also been active in pursuing certain conservation measures

IT IS THEREFORE REQUESTED THAT:

1. All affected telecommunications service providers and cooperatives in Tennessee consider taking voluntary measures towards area code conversation, including, but not limited to, voluntarily relinquishing any non-utilized NXX codes.
2. Any provider who voluntarily undertakes such measures notify the Authority of the same.


CHAIRMAN MELVIN J. MALONE


DIRECTOR SARA KYLE


DIRECTOR H. LYNN GREER, JR.

ATTEST:


Executive Secretary